

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc.M- 22453-2018 (O&M)

Date of Decision: July 06, 2018

Pardeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashit Malik, Advocate
for the petitioner.
Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.120 dated 11.03.2018, under Sections 363, 366-A, 376-D, 201 of Indian Penal Code and 6 of POCSO Act, registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner herein has not been specifically named in the FIR. Even in the statement recorded before the Magistrate under Section 164 Cr.P.C. she had stated that she developed relationship with Naveen of her own will and even in that statement, the petitioner herein has not been named. Mr. Malik, learned counsel, placed reliance upon the opinion of the counsellor wherein it is noted that it is the petitioner's car that had been used and he had picked up and dropped them and that the prosecutrix had developed a relationship only with Naveen. It is argued that the material witnesses have since been examined and trial is likely to be delayed on account of the fact that prosecution has preferred an application under Section 319 Cr.P.C. seeking

to summon Ajay. The learned counsel for the petitioner contends that the petitioner herein is in custody since 16.03.2018 and prays that since conclusion of trial will take sufficient time, the petitioner is entitled to be enlarged on bail.

Learned State Counsel appearing on behalf of the respondent-State submits that it is in the supplementary statement that the prosecutrix has named the petitioner herein, however, is not in a position to dispute the fact that prosecutrix and the material witnesses have since been examined.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein was not initially named in the FIR or in the statement recorded before the Magistrate, while also keeping in mind that the trial is likely to be delayed on account of the fact that proceedings under Section 319 Cr.P.C. have been initiated and no useful purpose would be served in keeping the petitioner behind bars, I deem it appropriate to allow regular bail to the petitioner.

However, it is made clear that any opinion given aforesaid is only for the purposes of bail and not on the merits of the case.

In view of the above, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

July 06, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No